IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

Cr. Rev. No. 75 of 2007.

Date of Decision: 15.6.2007

Trilok Chand ...Petitioner.

Versus.

Kuka alias Kapil Kumar & ors …Respondents

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge, ACJ.
The Hon'ble Mr. Justice

Whether approved for reporting?

For the Petitioner(s): Mr. G.R.Palsra, Advocate.

For the Respondent(s):

Deepak Gupta, J (Oral).

This petition has been filed against the judgment of the Judicial Magistrate Ist Class, Jogindernagar in Private Complaint No. 393-II/2002 decided on 24.2.2007.

The petitioner had filed a complaint under Section 430, 504 and 506 IPC against the respondents-accused alleging that on 16.6.2002 at about 10 pm they had obstructed the flow of water to his house by removing pipes from the well. It was further alleged that the accused persons have also threatened the petitioner with dire consequences.

Evidence was led and the complainant in addition to examine himself has only examined one other witness, namely, Rondo Ram alias Roshan Lal. From the evidence on record it appears that the petitioner used to lift the water from the well with the help of a pump. He was asked not to do so. According to the witness Rondo Ram, the complainant had himself removed the pump. He

has also admitted in cross-examination that in the summer when the water level fell, great difficulty was faced by the general public. It is obvious that the general public was objecting to the petitioner using a pump to lift the water from the well. The pipes which were removed from the well were only kept in the temple. The pump had been removed by the complainant himself and the pipes were not being used for drawing water at the time when they are alleged to have been removed.

The learned trial Court has rightly come to the conclusion that no offence is made out against the respondents. No interference is called for in this petition by this Court. The revision petition is dismissed.

June 15, 2007. (Deepak Gupta), ACJ.

s.